REMARKS/ARGUMENTS

Claims 1-20 are pending. Claims 1, 7, 11, and 17 have been amended to more fully describe the present invention. No claims have been canceled.

35 U.S.C. § 102 Rejection, Wellen.

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by Wellen (US patent publication 2002/0075884). Reconsideration and allowance of claims are respectfully requested for the following reasons.

Claims 1-6

Wellen does not anticipate claim 1 because Wellen does not teach or suggest each and every element of claim 1. For example, claim 1 recites, among other elements, "selecting, independently in each slice by using an arbiter included in each slice, either the first or second message based on the first and second priorities."

Nowhere does Wellen show or suggest each and every element of these recited features. In particular, Wellen's description in paragraphs 29-31 of (1) a switch that connects input data streams to output data streams and of (2) a virtual queue working in conjunction with a scheduling function do not describe a slice of a switch that <u>includes an arbiter in each slice</u>. On the contrary, in figure 2, Wellen illustrates a classifier 5 and a scheduler 7, <u>both external to the virtual input queues</u> 6_1 ... 6_C and serving a number of separate queues. In fact, the <u>virtual input queues are all serviced by the same selection logic</u>, which prohibits each queue being a slice including its own arbiter. Thus, because Wellen does not teach or suggest at least this claim element, claim 1 is in a condition for allowance.

Claims 2-6, which depend from claim 1, are in a condition for allowance, for at least the reasons discussed in relation to claim 1, as well as for the additional limitations they recite.

Claims 7-10

Claim 7 recites similar features as recited for claim 1, and claim 7 and its dependent claims should be allowable for at least similar reasons as claim 1.

Claims 11-16

Claim 11 recites similar features as recited for claim 1, and claim 11 and its dependent claims should be allowable for at least similar reasons as claim 1.

Claims 17-20

Claim 17 recites similar features as recited for claim 1, and claim 17 and its dependent claims should be allowable for at least similar reasons as claim 1.

35 U.S.C. § 102 Rejection, Chiussi et al.

Claims 1-20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,689,506 to Chiussi et al. (Chiussi). Reconsideration and allowance of claims are respectfully requested for the following reasons.

Claims 1-6

Chiussi does not anticipate claim 1 because Chiussi does not disclose or suggest each and every element of claim 1. For example, claim 1 recites, among other elements, "selecting, independently in each slice by using an arbiter included in each slice, either the first or second message based on the first and second priorities." Nowhere does Chiussi show or suggest these recited features. In particular, Chiussi's description of replicating a cell and transferring it to multiple output ports does not describe a slice of a switch that includes an arbiter in each slice.

Chiussi does not teach or disclose a slice, where each slice includes an arbiter. Therefore, there is no disclosure of a step involving the use of an arbiter in each slice, particularly a step of each slice independently selecting a portion of a message. At column 9, lines 56-60, Chiussi describes transferring data cells from a queue to the switch fabric. There is selection logic that works on a round-robin basis for determining the next cell to transfer from all of the queues. The queues are all serviced by the same selection logic, which prohibits each queue being a slice including its own arbiter. Claim 1 provides the selection is done "*independently in each slice by using an arbiter included in each slice,*" and Chiussi does not have this. Additionally, a single selection logic services the transfer of cells from the switch fabric to the output ports, thus these cannot be different slices including their own arbiter either. See column 12, lines 16-23. Thus, Chiussi does not disclose each slice independently selecting a portion of a message by using an arbiter included in each slice.

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Accordingly, claim 1 and its dependent claims are allowable.

Claims 7-10

Claim 7 recites similar features as recited for claim 1, and claim 7 and its dependent claims should be allowable for at least similar reasons as claim 1.

Claims 11-16

Claim 11 recites similar features as recited for claim 1, and claim 11 and its dependent claims should be allowable for at least similar reasons as claim 1.

Claims 17-20

Claim 17 recites similar features as recited for claim 1, and claim 17 and its dependent claims should be allowable for at least similar reasons as claim 1.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400, extension 5518.

Respectfully submitted,

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